**THE HONOURABLE SRI JUSTICE N.V.RAMANA**

**W. P.No.26946 of 2006**

**Dated:05.04.2007**

**Between:**

Mohd. Jaffar.

**.....PETITIONER**

**AND**

The A.P.S.R.T.C., rep. by its Managing Director, Musheerabad, Hyderabad and others.

**....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**W.P. No. 26946 of 2006**

**O R D E R**:

This writ petition is filed seeking a Mandamus to declare the proceedings dated 17.08.2002 of 3rd respondent, communicated by the 2nd respondent, vide letter dated 20.04.2006, rejecting the claim of the petitioner for reimbursement of medical expenditure incurred by him for the treatment of his daughter by name Ms. Iffath Nazneen, as illegal and arbitrary, and consequently, to direct the respondents to release an amount of Rs.2,22,212-81ps with interest forthwith, incurred by him towards medical expenditure of his daughter.

2. The petitioner retired from service as Conductor in the respondent-Corporation. The petitioner states that he spent an amount of Rs.2,22,212-18ps towards treatment and medical expenses of his daughter Ms. Iffath Nazneen, who had undergone kidney operation at Medwin Hospital, Hyderabad. He further states that even though a direction was given by this Court in W.P. No.7465 of 2002 to the respondent-Corporation to consider the case of the petitioner for sanction and payment of Rs.2,22,212-18 ps., if he is otherwise eligible, the respondent-Corporation has not

considered the same. Thereafter, on the representation dated 03.03.2006 made by the petitioner, the respondent-Corporation informed him that as per the orders in W.P.No.7465 of 2002 dated 23.04.2002, the 3rd respondent has issued proceedings dated 20.04.2006 informing the petitioner that his claim for reimbursement of medical bills was rejected vide order dated 17.08.2002.

3. The petitioner states that even though the 3rd respondent addressed a letter dated 16.06.1998 enclosing the essential form to the Personal Officer-III VC & MDs Office, APSRTC, Musheerabad for reimbursement of medical bills, without verifying the records, the impugned order rejecting his claim, was passed.

4. The respondent-Corporation filed counter-affidavit. Reiterating the averments made in the counter affidavit, the learned Standing Counsel for the respondent-Corporation contended that as per Regulation 5 of Medical Attendance and Treatment Regulations of the Corporation, an employee and his family members are entitled for free medical treatment in the notified hospitals, and as the petitioner's daughter had taken treatment in Medwin Hospital, which is not a notified hospital, he is not entitled for any reimbursement. He further contended that the cousin of the patient is the donor of kidney, and as per Circular No. PD 70/95 dated 21.08.1995, the cousin does not come under sibling donor, and as such, the petitioner is not entitled for any reimbursement.

5. The learned counsel for the petitioner contended that on the reference made by the APSRTC Hospital, Tarnaka, the petitioner

has taken his daughter to Medwin Hospital, for the purpose of specialized treatment. He further contended that the 3rd respondent also addressed a letter dated 16.06.1998 enclosing essential form to the Personal Officer III VC & MDs Office, APSRTC, Musheerabad, forwarding the medical bills up to 02.04.1998 for reimbursement. He, therefore contends that the petitioner is entitled for reimbursement of medical expenditure incurred by him for the treatment of his daughter.

6. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation and perused the record produced by him.

7. A perusal of the record produced by the respondents-Corporation would show that the petitioner has not taken any consent from the APSRTC Hospital at Tarnaka for referring the matter to Medwin Hospital nor did the APSRTC Hospital at Tarnaka referred the case of the daughter of the petitioner for treatment in Medwin Hospital. In the absence of any reference made by the APSRTC Hospital at Tarnaka for specialized treatment of the petitioner's daughter in a specialized hospital, no exception can be taken to the action of the respondents in rejecting the reimbursement claim made by the petitioner for the treatment taken to his daughter in a private hospital.

8. Be that as it may, even though the petitioner had got his daughter treated in a private hospital, yet the respondent-Corporation had reimbursed an amount of Rs.63,000/- vide order dated 25.07.2002.

9. For the foregoing reasons, I find no merit in the writ petition,

and the same is accordingly dismissed. No costs.

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**N.V.RAMANA, J**

**Dated: 05.04.2007**

**sj**